

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

JIMMIE CHISM,

Plaintiff,

vs.

**CIVIL ACTION NO.: _____
JURY DEMANDED**

**RUFUS THOMPSON, DUSTIN WHITSON,
and THE ROBERTSON COMPANY, LLC
d/b/a ROBERTSON TRUCKING;**

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

The Defendants, Rufus Thompson, Dustin Whitson, and The Robertson Company, LLC d/b/a Robertson Trucking (hereinafter "Defendants"), by and through counsel, pursuant to Rule 11 of the Federal Rules of Civil Procedure, hereby notifies the Judges of the United States District Court for the Western District of Tennessee, Western Division, the clerk of the Circuit Court of Shelby County, Tennessee, J. Phillip Kerley, counsel for the Plaintiff, and Wm. Ritchie Pique, counsel for Unnamed Defendant Unique Insurance Company, that the action described herein and filed in the Circuit Court of Shelby County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division, pursuant to 28 U.S.C. §§1441 and 1446.

1. Plaintiff filed a civil action bearing cause number CT-005172-18 against these Defendants in the Circuit Court of Shelby County, Tennessee. A copy of the Complaint was received by Defendant Dustin Whitson not earlier than December 22, 2018; upon Defendant The Robertson Company, LLC d/b/a Robertson Trucking not

earlier than December 26, 2018. Defendant Rufus Thompson has not been served with process in this matter.

2. This action is civil in nature. Plaintiff attempts a state law claim for negligence against the Defendants.
3. The Plaintiff is citizen of Illinois. Defendants, Rufus Thompson and Dustin Whitson are citizens of Alabama. Defendant The Robertson Company, LLC d/b/a Robertson Trucking is a domestic Alabama for profit limited liability corporation, incorporated in the State of Alabama with its principal place of business located in Detroit, Lamar County, Alabama.
4. The Plaintiff are demanding a sum of \$750,000.00.
5. These Defendants seek removal of this action to this Court upon the grounds that both the citizenship of the parties is diverse and the matter in controversy exceeds Seventy-Five Thousand Dollars pursuant to 28 U.S.C. §1332. Removal, therefore, is proper under 28 U.S.C. §1332.
6. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).
7. A copy of the Complaint and all papers received by this Defendant, are attached hereto as Exhibit "1".
8. The Circuit Court of Shelby County, Tennessee, is within the Western District of Tennessee, Western Division, and therefore, venue is proper under 28 U.S.C. §1446(a).
9. The clerk of the Circuit Court of Shelby County, Tennessee, and all adverse parties have been given notice of this removal pursuant to 28 U.S.C. §1446(d). The Notice of Filing Notice of Removal is attached as Exhibit "2".

10. This Defendant reserves the right to assert all defenses.

WHEREFORE, Notice is hereby given that the said case number CT-002839-18 is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

/s/ Jennifer S. Slager

JENNIFER S. SLAGER (#031447)

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LAW OFFICE OF CRAIG J. LAZAROV

Attorney for Defendants, Rufus Thompson, Dustin Whitson, and The Robertson Company, LLC d/b/a Robertson Trucking

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TC #19-000124

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and exact copy of the foregoing instrument has been served on the following interested parties, via U.S. Mail, postage pre-paid, on this the 10th day of January 2019:

J. Phillip Kerley

JKERLEY@gkbm.com

Attorney for Plaintiff

219 Adams Avenue

Memphis, TN 38103

Wm. Ritchie Pigue

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Attorney for Unique Insurance Company

2908 Poston Avenue

Nashville, TN 37203

/s/ Jennifer S. Slager

JENNIFER S. SLAGER